



**U.S. Department of Justice**  
Civil Division, Appellate Staff  
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Washington, DC 20530

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December 27, 2022

**VIA CM/ECF**

David J. Smith, Clerk of Court  
U.S. Court of Appeals for the Eleventh Circuit  
56 Forsyth St., N.W.  
Atlanta, Georgia 30303

RE: *Air Force Officer v. Austin*, No. 22-11200 (11th Cir.) (appeal stayed)

Dear Mr. Smith:

The government writes to notify the Court that on December 23, 2022, the President signed into law the National Defense Authorization Act for Fiscal Year 2023 (NDAA), which directs the Secretary of Defense to rescind the military's COVID-19 vaccination requirement within 30 days of enactment. *See* James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, 117th Cong. § 525 (2022). The government will notify the Court when the Secretary of Defense takes the action required by the NDAA.

Sincerely,

/s/ Sarah J. Clark  
Sarah J. Clark  
Counsel for the United States

cc: Counsel of Record (via CM/ECF)